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HON. CHARLES DOE, Chief Justice of the Supreme Court of New Hampshire, who died suddenly on March 9, 1896, was a valued contributor to this REVIEW, being the author of "A New View of the Dartmouth College Case," 6 HARVARD LAW REVIEW, 161–181 and 213–222; and "Lease of Railroad by Majority of Stockholders with Assent of Legislature," 8 HARVARD LAW REVIEW, 295–316 and 396–414.

His official tenure was almost unique. Appointed to the Supreme Bench in 1859 at the early age of twenty-nine, he continued there, with the exception of two years (1874–1876), until his death at the age of sixty-five; thus passing more than half his life in the discharge of judical duties. Judge Doe's reported decisions have given him a deservedly high reputation outside the limits of New Hampshire, and some of them have seldom been surpassed. But his extraordinary ability was fully known only to those who came in personal contact with him as practitioners or associates. The rapidity with which his mind worked was simply marvellous, vividly recalling the discriptions given of the late Master of the Rolls, Sir George Jessel. The moment a case was stated, he could generally discern at once the vital issue; and was usually able, as soon as the case was submitted, immediately to express an opinion in short, crisp sentences, which not only completely disposed of the matter in hand, but caused everybody to wonder how there could ever have been any doubt about the result. In keenness of analysis and in the faculty of terse and vigorous expression he combined qualities of the highest order, which are not often found united in one person. A few of his written opinions may be open to the objection of over-elaboration. But there was never any obscurity or prolixity in his oral utterances, and a large proportion of his reported decisions are models of condensation and clearness.

In a humorous sketch read by a bright young lawyer before a Bar Association, Doe, C. J., is represented as rendering a certain decision and giving as the sole reason "that the law has hitherto always been under-

stood to be otherwise." This was, of course, a playful exaggeration; but it is true that the novelty of a proposition did not furnish to his mind a *prima facie* presumption against its adoption. He not unfrequently advanced theories which, at the time, struck the profession as heretical. But not a few of these heresies ultimately came to be regarded as "orthodoxies." In more than one instance where he originally stood alone as a dissenter, the entire Court subsequently adopted his views. From the multitude of his opinions it is difficult to select any single one which will give an adequate idea of his power. Some of his most forcible sentences are to be found in that part of the dissenting opinion in *Boardman* v. *Woodman*, 47 N. H. 120 (see especially pp. 148 and 150), where he combats the prevailing theory that delusion is the legal test of insanity. His strong sense of humor crops out in the opinion in *De Lancey* v. *Ins. Co.*, 52 N. H. pp. 587 to 591. A few years ago, when the arguments and influence of the insurance companies seemed certain to defeat a bill pending in the Massachusetts Legislature, a member rose, with "Fifty-second New Hampshire" in his hand, and said that he should like to read to his colleagues the opinion expressed by the Supreme Court of New Hampshire relative to insurance companies. Before the reading had progressed far the House was convulsed with laughter, and there was no effective opposition to the passage of the bill.

During Judge Doe's long term of service, a great revolution took place in the legal procedure of the State; a change which was due to him more than to any other one man (although great credit must also be given to his colleague, the late Chief Justice Bell, who drew up the admirable "Rules for Regulating the Practice in Chancery," 38 N. H. 605–624). Instead of waiting for the legislature to enact a poorly drawn code, the New Hampshire Court proceeded to simplify practice by their decisions; not merely by discouraging formal objections, but by boldly declaring that "parties are entitled to the most just and convenient procedure that can be invented," and by distinctly recognizing "the judicial duty of allowing a convenient procedure as a necessary instrument of the administration of the law of rights." (See the very able opinions in *Metcalf* v. *Gilmore*, 59 N. H. pp. 431 to 435; and in *Owen* v. *Weston*, 63 N. H. pp. 600 to 605.) The result is a flexibility of remedies in New Hampshire not surpassed by any of the so-called "Code States." But more than all this was the general tone imparted to legal proceedings by Judge Doe's strong personality. Until his memory is forgotten, cases in New Hampshire will be tried expeditiously and upon their merits; justice will not be "strangled in the net of form"; and witnesses will not be subjected to insulting and abusive treatment at the hands of cross-examiners. His mode of living and all his habits were democratic and simple in the extreme; and his love of simplicity led him, when presiding alone at *nisi prius*, to go far towards abolishing the mere forms and ceremonies which are usually observed in the court-room. But there was no omission of any incident of procedure which was really essential to the rights of suitors.

Socially, Judge Doe was one of the most delightful of men. He did not reserve himself for great occasions, but always abounded in good sayings. Few persons have ever spent an hour in his company without carrying away something to remember him by. His intimate friends of many years are now like men "from whose day the light has departed."

J. S.